

Message Text

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ORIGIN LAB-04

INFO OCT-01 ISO-00 IO-13 SIL-01 AF-10 ARA-06 EA-07
EUR-12 NEA-10 CIAE-00 COME-00 EB-07 INR-07
NSAE-00 L-03 SIG-01 MMO-01 /083 R

DRAFTED BY DOL:TLINSENMAAYER:OF
APPROVED BY IO:CWMAYNES
S/IL:DGOOD IO/LAB:APALMER
AF:LSLEZAK
ARA:TWALSH
EUR:DGOOD
NEA:SHOLLY
EA:DHARRIS
UNP:RMAXIM
ML:WKRIEBEL

-----060711Z 039214 /11

P 052046Z MAY 77
FM SECSTATE WASHDC
TO ALL DIPLOMATIC POSTS PRIORITY

C O N F I D E N T I A L STATE 102699

E.O. 11652: GDS

TAGS: PLAB, ILO

SUBJECT: ILO - 63RD INTERNATIONAL LABOR CONFERENCE (ILC):
CRITICAL ISSUES

REFS: (A) STATE 259540 (1975)(NOTAL); (B) STATE 036080,
1977 (NOTAL); (C) STATE 186432, 1976 (NOTAL); (D) GENEVA
1571, 1977 (NOTAL); (E) GENEVA 1568, 1977 (NOTAL)

BACKGROUND: IN ITS LETTER OF WITHDRAWAL THE US STATED:
"THE UNITED STATES DOES NOT DESIRE TO LEAVE THE ILO. THE
UNITED STATES DOES NOT EXPECT TO DO SO. BUT WE DO INTEND TO
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MAKE EVERY POSSIBLE EFFORT TO PROMOTE THE CONDITIONS WHICH
WILL FACILITATE OUR CONTINUED PARTICIPATION. IF THIS SHOULD
PROVE IMPOSSIBLE, WE ARE IN FACT PREPARED TO DEPART."

OVER THE PAST TWO YEARS US HAS ADDRESSED ISSUE OF ITS
MEMBERSHIP IN ILO IN SPIRIT OF THAT PARAGRAPH. WE HAVE
LAUNCHED WITHIN US GOVERNMENT CABINET-LEVEL COMMITTEE TO
EXAMINE US POLICY IN ILO AT HIGHEST GOVERNMENT-WIDE POLICY
LEVEL. GIVEN THE TRIPARTITE NATURE OF THE ILO, WE HAVE
CONSULTED WIDELY WITHIN THE LABOR AND BUSINESS COMMUNITIES

HERE AND ABROAD. OVERALL WE HAVE INITIATED UNPRECEDENTED SERIES OF CONSULTATIONS THROUGH CONFERENCE DISCUSSIONS, SPECIAL VISITS (TO OVER 35 COUNTRIES) AND DIPLOMATIC EFFORTS

WORLD-WIDE TO EXPLORE CONSCIENTIOUSLY AND OPENLY OUR VIEWS AND CONCERNS WITH OTHERS.

OUR PURPOSE IN THIS WAS NOT TO FORCE OUR VIEWS ON OTHERS BUT WITH THE BENEFIT OF THIS EXTRAORDINARY TWO-YEAR EFFORT AT CONSULTATION AND STUDY TO DETERMINE IF THERE REMAINED WITHIN THE ILO SUFFICIENT COMMUNITY OF INTEREST BETWEEN THE US AND OTHER MEMBERS OVER FUNDAMENTAL PURPOSES OF ILO. IF THIS COMMUNITY OF INTEREST EXISTED, THEN US INTENDED TO REMAIN IN THE ILO. IF IT DID NOT, THEN WHILE OTHERS MIGHT WELL FIND IT IN THEIR NATIONAL INTERESTS TO REMAIN IN THE ILO, THE US IN ALL LIKELIHOOD WOULD NOT.

TODAY WE SEE THE ILO AT A CROSSROADS. IT CAN ASSUME ITS SPECIAL AND VITAL ROLE IN THE FIELD OF INDUSTRIAL AND INTERNATIONAL RELATIONS. IN THIS EVENT, IT WILL REMAIN A VALUABLE FEATURE OF THE INTERNATIONAL SYSTEM BENEFITING ALL MEMBER STATES. OR IT CAN BECOME AN INSTRUMENT USEFUL LESS FOR ITS LONG-RUN TECHNICAL WORK THAN FOR ITS SHORT-RUN POLITICAL UTILITY TO SOME MEMBER STATES. IN THIS EVENT, ITS UTILITY WILL UNDOUBTEDLY BESTOW SHORT-TERM BENEFITS ON THOSE FEW ABLE TO USE IT FOR TEMPORARY PURPOSES BUT THE CONFIDENTIAL

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LONG RUN LOSS TO THE INTERNATIONAL COMMUNITY WILL BE ENORMOUS. NOT THE LEAST TO BE DISADVANTAGED BY SUCH A DEVELOPMENT WILL BE THE POORER, NEWLY-INDUSTRIALIZED COUNTRIES. WE HOPE THAT IN JUNE ALL MEMBER STATES WILL CONSIDER CAREFULLY THE ROLE OF THE ILO THAT WILL BENEFIT THEM OVER THE LONGER RUN. END BACKGROUND.

1. AS PART OF CONTINUING US EFFORT TO MODIFY ADVERSE TRENDS IN ILO, POSTS ARE ASKED TO APPROACH HOST GOVERNMENT, AND, WHERE APPROPRIATE, EMPLOYER AND WORKER DELEGATES TO FORTHCOMING ILC WHICH BEGINS JUNE 1, 1977, IN GENEVA, SWITZERLAND. GUIDANCE FOR POSTS IS BEING PROVIDED IN THREE RELATED MESSAGES. THIS IS FIRST MESSAGE, WHICH SETS FORTH BACKGROUND ON CRITICAL ISSUES AT CONFERENCE, TOGETHER WITH US POSITIONS. SECOND MESSAGE IS UNCLASSIFIED DESCRIPTION OF OVERALL WORK OF CONFERENCE, INCLUDING TECHNICAL AGENDA ITEMS AND NAMES USDEL MEMBERS. THIRD MESSAGE CONTAINS SPECIFIC GUIDANCE FOR POSTS TAKING INTO ACCOUNT DEPARTMENT ASSESSMENT OF HOST COUNTRY POSITIONS ON ISSUES.

2. THESE MESSAGES ARE INFO ONLY FOR: (A) ADDRESSEES IN COUNTRIES WHICH ARE NOT MEMBERS OF ILO, (BANJUL, GABERONE, MASERU, PRETORIA, CAPETOWN, MUSCAT, TAIPEI, SEOUL, VICTORIA, HONG KONG) (B) PEKING AND SINAI.

3. FOR ALL OTHER POSTS: UPON RECEIPT OF ALL THREE MESSAGES, EMBASSY SHOULD SEEK OPPORTUNITY AS SOON AS POSSIBLE, UNLESS THERE ARE OVERRIDING OBJECTIONS, TO APPROACH HOST GOVERNMENT AT FOREIGN MINISTER LEVEL AND LABOR MINISTER LEVEL AND, WHERE APPROPRIATE, EMPLOYER AND WORKER DELEGATES TO ILC. IN APPROACH, EMBASSY SHOULD (A) RECALL SUBSTANCE OF AND REASONS BEHIND US LETTER OF INTENT TO WITHDRAW FROM ILO, (B) INDICATE CRITICAL IMPORTANCE OF JUNE ILC TO FINAL US DECISION ON PARTICIPATION IN ILO, WHICH MUST BE MADE FOLLOWING CONFERENCE, (C) DESCRIBE GENERAL US SATISFACTION THAT SOME PROGRESS HAS BEEN MADE
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IN EFFORT TO BRING ILO BACK TO ITS BASIC PRINCIPLES AND RESPECT FOR RULES OF PROCEDURE, AND (D) SEEK HOST COUNTRY SUPPORT FOR US POSITIONS ON CRITICAL ISSUES ON BASIS THAT HOST COUNTRY'S OWN NATIONAL INTERESTS ARE BEST SERVED BY MAINTENANCE OF ILO AS AN EFFECTIVE, TECHNICAL ORGANIZATION. IN MAKING APPROACH, POSTS SHOULD USE THIRD MESSAGE AND FOLLOWING PARAS AS APPROPRIATE. DETAILS ON THESE POINTS FOLLOW:

4. US LETTER OF INTENT:

REF. (A) PROVIDES BACKGROUND ON US LETTER OF INTENT TO WITHDRAW. REF (B) CONTAINS TEXT OF JOINT STATEMENT BY US SECRETARIES OF STATE, LABOR, AND COMMERCE, REAFFIRMING US POSITION ON LETTER AND ON NEED FOR REFORM IN ILO. US COMMITTED TO COURSE OF ACTION WHICH HOPEFULLY WILL BRING ABOUT CONDITIONS IN ILO PERMITTING US TO CONTINUE MEMBERSHIP. IF REFORM EFFORT FAILS, US WILL HAVE NO CHOICE BUT TO WITHDRAW.

5. CRITICAL IMPORTANCE OF CONFERENCE:

ILC WILL PROVIDE FINAL OPPORTUNITY FOR US TO MEASURE DEGREE OF SUPPORT BY OTHER MEMBER COUNTRIES FOR OUR EFFORTS TO REFORM ILO ON BASIS OF FUNDAMENTAL PRINCIPLES, PURPOSES, AND PROCEDURES. FOLLOWING CONFERENCE, BUT BEFORE NOVEMBER 1977, US MUST ASSESS WHETHER SUFFICIENT PROGRESS HAS BEEN MADE TO ENABLE US TO REMAIN IN ORGANIZATION. THIS ASSESSMENT WILL BE MADE BY USG AND BY THOSE ORGANIZATIONS RESPONSIBLE FOR US PARTICIPATION IN ILO: US CHAMBER OF COMMERCE AND AFL-CIO. KEY FACTOR IN ASSESSMENT WILL BE JUDGMENT AS TO DEGREE TO WHICH OTHER MEMBERS SHARE OUR VIEWS ON NEED FOR PRESERVING BASIC ILO PRINCIPLES AND PROCEDURES, AND EVIDENCE OF WILLINGNESS OF MEMBERS TO ACT ON BASIS OF SUCH VIEWS.

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6. EXTENT OF PROGRESS TO DATE:

US RECOGNIZES THAT SOME PROGRESS HAS BEEN MADE ON ISSUES SINCE US FILED LETTER IN NOVEMBER 1975. AS NOTED REF (C), 61ST ILC AND WORLD EMPLOYMENT CONFERENCE, HELD IN JUNE 1976, PROVIDED MIXED PICTURE OF BOTH POSITIVE AND NEGATIVE ASPECTS. OCTOBER MARITIME CONFERENCE AND JANUARY ILO BUILDING COMMITTEE WERE BOTH EFFECTIVE TECHNICAL MEETINGS ESSENTIALLY FREE OF DISRUPTIVE ASPECTS. MORE RECENTLY, DECISIONS BY FEBRUARY-MARCH SESSION OF ILO GOVERNING BODY ON (A) 1974 ISRAEL RESOLUTION, (B) US PROPOSED AMENDMENT TO ARTICLE 17 OF CONFERENCE STANDING ORDERS CONCERNING RECEIVABILITY OF RESOLUTIONS, AND (C) HANDLING OF STRUCTURE QUESTIONS (SEE ISSUE DISCUSSIONS BELOW), REPRESENT WELCOME PROGRESS ON KEY ISSUES. ALL THIS, HOWEVER, STILL IN-CONCLUSIVE PENDING OUTCOME OF 63RD CONFERENCE. US LOOKING TO CONFERENCE'S ACTION ON THESE DECISIONS AND OTHER ISSUES FOR EVIDENCE THAT PROGRESS NOTED TO DATE WILL, IN FACT, CONTINUE.

7. CRITICAL CONFERENCE ISSUES:

A. ISRAELI RESOLUTION. REF (D) DESCRIBES DECISION BY FEBRUARY-MARCH GOVERNING BODY TO "CLOSE THE BOOK" ON 1974 CONFERENCE RESOLUTION CONDEMNING ISRAEL FOR ALLEGED VIOLATIONS OF TRADE UNION RIGHTS IN PALESTINE AND THE OCCUPIED TERRITORIES. RESOLUTION WAS PRIME EXAMPLE OF VIOLATION OF DUE PROCESS SINCE IT CONDEMNED A MEMBER GOVERNMENT IN THE ABSENCE OF EVIDENCE AND IN DISREGARD OF ESTABLISHED ILO INVESTIGATORY PROCEDURES. DECISION BY GOVERNING BODY WILL BE FORMALLY REPORTED TO CONFERENCE BY DIRECTOR GENERAL. US SUPPORTS GOVERNING BODY DECISION AND WILL VIGOROUSLY OPPOSE EFFORTS EITHER TO REVERSE DECISION OR TO INTRODUCE NEW RESOLUTION ALONG LINES OF 1974. IT SHOULD BE STRESSED THAT US DOES NOT REGARD THIS AS MID-EAST ISSUE, BUT RATHER AS A FUNDAMENTAL ISSUE OF DUE PROCESS
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AND RESPECT FOR FAIRNESS. US PROPOSAL OF ARTICLE 17 AMENDMENT (BELOW) IS ANOTHER EXAMPLE OF US CONCERN FOR DUE PROCESS AND STRESS ON FAIRNESS FOR ALL. IF ANY MEMBER BELIEVES ANY OTHER MEMBER IS VIOLATING TRADE UNION RIGHTS OR OTHER ACCEPTED ILO OBLIGATIONS, EFFECTIVE AND ESTABLISHED ILO PROCEDURES EXIST FOR INVESTIGATING SITUATION WITHOUT CONTRAVENTING BASIC RIGHTS OF ALL ILO MEMBERS.

B. ARTICLE 17: REF (E) DESCRIBES GOVERNING BODY DECISION TO FORWARD FOR CONFERENCE CONSIDERATION PROPOSED AMENDMENT TO ARTICLE 17 OF CONFERENCE STANDING ORDERS. AMENDMENT, SPONSORED BY US, WOULD ESTABLISH CRITERIA FOR EXCLUDING

FROM CONFERENCE RESOLUTIONS WHICH ARE OUTSIDE SCOPE OF

EXISTING ILO STANDARDS, OR WHICH SEEK TO CONDEMN A MEMBER COUNTRY BEFORE CONCLUSION OF INVESTIGATION UNDER ESTABLISHED ILO PROCEDURES OR IN TERMS INCONSISTENT WITH CONCLUSIONS OF SUCH AN INVESTIGATION. ADOPTION OF THIS AMENDMENT WOULD GO FAR IN PREVENTING CONSIDERATION OF EXTRANEIOUS POLITICAL RESOLUTIONS, INCLUDING THOSE WHICH VIOLATE DUE PROCESS AND FUNDAMENTAL FAIRNESS, THEREBY AVOIDING SITUATIONS IN WHICH MANY MEMBER COUNTRIES ARE PRESSURED INTO SUPPORTING DESTRUCTIVE POLITICAL RESOLUTIONS. AT CONFERENCE, US WILL SUPPORT PROPOSAL THAT CONFERENCE SELECTIONS COMMITTEE REFER ARTICLE 17 AMENDMENT TO STANDING ORDERS COMMITTEE, RATHER THAN COMMITTEE ON STRUCTURE WHICH PREVIOUSLY GAVE IT VERY LOW PRIORITY. IN STANDING ORDERS COMMITTEE, US WILL SUPPORT LANGUAGE, INCLUDING CLARIFYING AMENDMENTS, WHICH IN GENERAL (1) PROVIDE FOR OBJECTIVE REVIEW AND EVALUATION OF RECEIVABILITY OF RESOLUTIONS BY IMPARTIAL PANEL OF COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS, (2) PROVIDE THAT ANY APPEAL OF PANEL DETERMINATIONS NOT BE EASILY AFFECTED BY POLITICAL PRESSURE, AND (3) CONTAIN LANGUAGE SUFFICIENTLY PRECISE TO DISCOURAGE MANIPULATION THROUGH SEMANTIC LOOPHOLES. AGAIN, ESSENTIAL TO EMPHASIZE
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THIS IS NOT A MATTER OF SIMPLY TRYING TO PROTECT ISRAEL AS SOME ARE MISCHIEVOUSLY TRYING TO ASSERT. AMENDMENT IS DESIGNED TO PROTECT ALL MEMBERS, NOW AND IN THE FUTURE, FROM CONDEMNATION UNDER CONDITIONS WHICH IGNORE ILO'S STANDARDS OF FAIRNESS AND EVEN-HANDED INVESTIGATORY PROCEDURES.

C. EQUAL TREATMENT IN APPLICATION OF CONVENTIONS:

AS IN PREVIOUS YEARS, REPORT OF COMMITTEE OF EXPERTS WILL BE SUBJECT OF THOROUGH DISCUSSION BY CONFERENCE COMMITTEE. US WILL STRONGLY SUPPORT EQUAL TREATMENT OF ALL CASES OF NON-COMPLIANCE, REGARDLESS OF POLITICAL, ECONOMIC, OR SOCIAL SYSTEMS. AS NOTED REF (C), US CONSIDERED HANDLING OF CZECHOSLOVAKIA CASE BY 1976 COMMITTEE AS A "NEGATIVE ASPECT." FYI, SOME MEMBERS MAY HAVE HEARD THAT COMMITTEE OF EXPERTS HAS MADE OBSERVATIONS CONCERNING ISRAELI ACTIVITIES IN OCCUPIED TERRITORIES. IF ASKED WHAT US POSITION WILL BE, RESPONSE SHOULD INDICATE WE WILL CAREFULLY EXAMINE OBSERVATIONS AND TAKE A POSITION BASED ON THEIR SUBSTANCE AND THE COMMENTS OF THE GOVERNMENT OF ISRAEL IN THE COMMITTEE. END FYI.

8. STRUCTURE:

THE LDC'S ARE PRESSING FOR CHANGES IN ILO STRUCTURE WHICH

WOULD FURTHER INCREASE THEIR VOTING STRENGTH. FEBRUARY-MARCH GOVERNING BODY AGREED DEFER FURTHER SESSIONS OF WORKING PARTY ON STRUCTURE. US WELCOMES THIS AS OPPORTUNITY TO ALLOW SENSITIVE ISSUES TO COOL DOWN FROM WHAT WAS FAST BECOMING HIGHLY CHARGED EMOTIONAL ISSUE. WE BELIEVE CONFERENCE COMMITTEE MUST FOLLOW THIS PROCESS BY CONCENTRATING ON ISSUES OFFERING WIDEST POSSIBILITY FOR AGREEMENT. SENSITIVE ISSUES BEST HANDLED THROUGH LOW-KEY, INFORMAL CONSULTATIONS TO BE RESUMED TOWARD END OF 1977. US WILL OPPOSE CONFRONTATION EFFORTS DESIGNED
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TO FORCE ISSUES AS BEING COUNTER-PRODUCTIVE.

9. GOVERNING BODY CHAIRMANSHIP: US WILL SUPPORT CANDIDACY OF CHAIRMAN OF WORKER GROUP JOSEPH MORRIS (CANADIAN). ALTHOUGH NOT CUSTOMARY FOR NON-GOVERNMENT REPRESENTATIVE TO HOLD CHAIRMANSHIP, SUCH SELECTION PERMITTED BY ILO CONSTITUTION, AND WE BELIEVE MORRIS WILL BE HIGHLY EFFECTIVE IN POSITION. BOTH WORKER AND EMPLOYER REPRESENTATIVES HAVE SERVED AS PRESIDENT OF THE ILC.

10. AFRICAN LABOR MINISTERS CONFERENCE IN TRIPOLI APRIL 25-30 PASSED SEVERAL RESOLUTIONS DEALING WITH ILC ISSUES, INCLUDING (1) URGING THAT ARTICLE 17 AMENDMENT BE REFERRED TO ILC STRUCTURE COMMITTEE RATHER THAN STANDING ORDERS COMMITTEE OF CONFERENCE; (2) REJECTING DECISION OF ILO GOVERNING BODY IN MARCH TO CLOSE THE BOOK ON 1974 ANTI-ISRAELI RESOLUTION AND CALLING ON GB AND DIRECTOR GENERAL TO CARRY OUT 1974 RESOLUTION; AND (3) CRITICIZING ILO GB FOR FAILING TO CONVENE WORKING PARTY ON STRUCTURE IN COMPLIANCE WITH ILC INSTRUCTIONS. WE UNDERSTAND (2) WAS INTRODUCED BY ARABS DURING LAST HOURS OF CONFERENCE AND WAS PASSED BY CONSENSUS WITHOUT DEBATE AFTER MANY DELEGATES HAD ALREADY LEFT. FROM DISCUSSIONS HELD WITH SOME DELEGATES IN WEEKS PRIOR TO CONFERENCE (INCLUDING HOROWITZ TALKS IN JANUARY IN KEY AFRICAN CAPITALS) WE BELIEVE SOME AFRICANS (NIGERIA, SIERRE LEONE AND OTHERS) SHARE OUR VIEWS ON THESE ISSUES AND THAT DESPITE TRIPOLI RESULTS, AFRICANS ATTITUDES AND ACTIONS AT JUNE ILC IN GENEVA BY NO MEANS FOREGONE CONCLUSION. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 22-Sep-1999 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: WITHDRAWAL OF MEMBERSHIP, INSTRUCTIONS, MEETINGS, INTERNATIONAL LABOR ORGANIZATIONS, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Sent Date: 05-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE102699
Document Source: ADS
Document Unique ID: 00
Drafter: DOL:TLINSENMAIER:OF
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Expiration:
Film Number: D770159-0381
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197705110/baaaevvo.tel
Line Count: 317
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Message ID: 73a76088-c288-dd11-92da-001cc4696bcc
Office: ORIGIN LAB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: (A) STATE 259540 (1975)(NOTAL); (B) STATE 036080, 1977 (NOTAL); (C) STATE 186432, 1976 (NOTAL); (D) GENEVA 1571, 1977 (NOTAL); (E) GENEVA 1568, 1977 (NOTAL)
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 12-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2344968
Secure: OPEN
Status: NATIVE
Subject: ILO - 63RD INTERNATIONAL LABOR CONFERENCE (ILC): CRITICAL ISSUES
TAGS: ELAB, ILO
To: ALL DIPLOMATIC POSTS
Type: TE
vdkgwkey: odhc://SAS/SAS.dbo.SAS_Docs/73a76088-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

